



**Dealing with the Backlog Problem:
A Corporate Perspective**

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Common Themes from a Corporate Perspective on Problems Arising from Application Backlog:



- Lack of clarity on scope of patent protection
- Difficulties performing clearance assessments
- Portfolio management -- portfolio pruning exercises become more challenging
- In a nutshell: Backlogs create uncertainty that in turn create disincentive for investment

Common Themes for Solving Backlog Problem:



- **Work sharing to avoid duplication -- search strategies and results, results of examination**
 - **PPH -- key criteria for success**
 - **Consistent patentability standards and respect for examination results of sister patent offices**
- **Examiner interviews**
 - **Personal or telephonic to swiftly advance prosecution**

Additional Thoughts on Attacking Backlog:



For practitioners --

- **Prepare and file quality applications meeting conditions of patentability**
 - Reasonable claim scope clearly defining invention parameters
- **Resolve patentability and scope of protection at examination stage (IPER) for PCT applications**
 - Make claim amendments before report on patentability (IPRP)
 - Facilitate prosecution at national stage



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For patent offices –

- **Consistently perform quality examinations**
 - **Provide adequate training for junior examiners and flexibility for examination time**
 - **Create strong incentives for Examiners to quickly identify allowable subject matter for early case disposal (allowance and grant)**



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For policymakers --

- **Harmonize standards for patentability and consistently apply those standards**
 - **Inventive step and obviousness**
- **Eliminate deferred examination**